

June 18, 2008

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUN 23 PM 12:11

Petition for Summons for Defendant on Pretrial Release

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Name of Defendant: Heredia, Jaime

BY g DEPUTY
Dkt No.: 08CR1115BEN-001

Reg. No.: 07971-298

Name of Judicial Officer: The Honorable William McCurine, U.S. Magistrate Judge
(Matter referred to U.S. Magistrate Judge for consideration.)

Next Court Date: Before the Honorable Roger T. Benitez on July 14, 2008, at 9:00 a.m. (sentencing)

Charged Offense: 8 USC 1324 (a)(1)(A)(ii)- Transportation of Illegal Aliens

Date Conditions Ordered: March 28, 2008, before the Honorable William McCurine

Conditions of Release: Restrict travel to Southern and Central Districts of California; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; submit to treatment as specified by the PSO for drugs and seek and maintain full-time employment, schooling, or combination of both.

Modification: On April 17, 2008, the defendant was ordered to clear all outstanding warrants within 45 days of release, and to reside with parents.

Date Released on Bond: April 17, 2008

Asst. U.S. Atty.: Christina McCall Defense Counsel: Gregory Murphy, Federal Defenders, Inc.
(619) 557-6760 (appointed), (619) 685-3730

Prior Violation History: None

PS 8C
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PETITIONING THE COURT**TO SUMMON THE DEFENDANT TO APPEAR IN COURT AND SHOW CAUSE AS TO WHY HIS BOND SHOULD NOT BE REVOKED.**

The Pretrial Services officer believes the defendant has violated the following condition(s) of pretrial release:

CONDITION(S)**ALLEGATION(S) OF NONCOMPLIANCE****(Standard Condition)**

Not possess or use any narcotic drug or other controlled substance as defined in 21 USC 802, without a lawful medical prescription.

1. The defendant admitted to using methamphetamine on April 28, 2008.
2. The defendant admitted to using methamphetamine on June 1, 2008.
3. On June 3, 2008, the defendant submitted a urine specimen that confirmed positive for amphetamine/methamphetamine.

(Special Condition)

Submit to treatment, and/or testing as specified by the PSO for drugs.

4. On May 27, 2008, the defendant failed to report to Detection and Treatment Resources, Inc., for drug testing between the hours of 5:00 a.m. and 9:00 a.m.
5. On June 3, 2008, defendant failed to report to Detection and Treatment Resources, Inc., for drug testing between the hours of 5:00 a.m. and 9:00 a.m.

Grounds for Revocation (Standard Condition): I received and reviewed the Pretrial Services Lab Questionnaires from the Central District of California dated May 2, and June 3, 2008, which indicates the defendant admitted to using methamphetamine on April 28 and June 1, 2008. Additionally, I received and reviewed written laboratory notification from the Kroll Laboratory Specialists, Inc., which verify the urine specimen provided by the defendant on June 3, 2008, confirmed positive for amphetamine/methamphetamine.

Grounds for Revocation (Special Condition): I also received and reviewed the Drug Aftercare Notification Reports provided by Detection and Treatment Resources, Inc., which indicate the defendant failed to report for drug testing on May 27 and June 3, 2008.

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SUPERVISION ADJUSTMENT

Mr. Heredia began pretrial supervision on April 17, 2008, and he has been supervised by Pretrial Services Officer (PSO) Brenda Mercado in the Central District of California. Aside from the pending allegations, the defendant has been compliant with all other conditions of release.

Criminal computerized record checks reveal no new arrests or convictions for the defendant.

RECOMMENDATION/JUSTIFICATION

The defendant informed PSO Mercado he started using methamphetamine at the age of twenty-two, and used it daily up until the day of his arrest. He advised PSO Mercado he does not have a substance abuse problem and he is not willing to participate in a drug treatment program.

According to PSO Mercado, the defendant has been reporting as instructed and he has not submitted any further positive drug tests since June 3, 2008.

Since the defendant is not willing to address his substance abuse or participate in a residential drug treatment program as recommend by his Pretrial Services Officer, we are requesting the defendant be cited to appear before your Honor for an Order to Show Cause Hearing on June 24, 2008, at 9:30 a.m.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 6/18/08

Respectfully submitted:
LORI A. GAROFALO
CHIEF PRETRIAL SERVICES OFFICER

Reviewed and approved:

by Irene Pflaum
Irene Pflaum
U.S. Pretrial Services Officer
(619) 557-6056
Place: San Diego, California

Charlene Delgado
Charlene Delgado
Supervising U.S. Pretrial Services Officer

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THE COURT ORDERS:

~~X~~

AGREE, cite the defendant to appear before the Court to show cause as to why his bond should not be revoked on June 24, 2008 at 9:30 a.m.

Other _____



The Honorable William McCurine
U.S. Magistrate Judge

6/20/08
Date